

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

THOMAS AIELLOS, *et al.*,

Plaintiffs,

-vs-

CHIEF C. KENNETH ZISA, *et al.*,

Defendants.

ALLEN BORINTRAGER, *et al.*,

Plaintiffs,

-vs-

CHIEF C. KENNETH ZISA, *et al.*,

Defendants.

JENNIFER FINLEY, *et al.*,

Plaintiffs,

-vs-

CHIEF C. KENNETH ZISA, *et al.*,

Defendants.

Hon. William J. Martini
Civil Action No. 09-3076 (WJM)
(*Lead Docket*)

Hon. William J. Martini
Civil Action No. 09-6495 (WJM)
(*Consolidated for Pretrial Purposes*)

Hon. William J. Martini
Civil Action No. 10-512 (WJM)
(*Consolidated for Pretrial Purposes*)

JOHN HERRMANN, *et al.*,

Plaintiffs,

-vs-

CHIEF C. KENNETH ZISA, *et al.*,

Defendants.

Hon. William J. Martini
Civil Action No. 10-2349 (WJM)
(Consolidated for Pretrial Purposes)

LAURA CAMPOS, *et al.*,

Plaintiffs,

-vs-

CHIEF C. KENNETH ZISA, *et al.*,

Defendants.

Hon. William J. Martini
Civil Action No. 10-2568 (WJM)
(Consolidated for Pretrial Purposes)

ANTHONY FERRAIOLI, *et al.*,

Plaintiffs,

-vs-

CHIEF C. KENNETH ZISA, *et al.*,

Defendants.

Hon. William J. Martini
Civil Action No. 09-2663 (WJM)
(Consolidated for Pretrial Purposes)

THESE MATTERS having come before the Court for a case management conference on January 12, 2012; and the Court having heard the arguments of counsel with respect to Defendant Bergen County Prosecutor's Office's motion to quash and/or for protective order [Docket 10-2349; CM/ECF No. 57]; and the Court having carefully

considered the papers submitted in support of and in opposition to the motion; and for the reasons set forth on the record, which are incorporated herein at length; and for good cause shown;

IT IS on this 18th day of January 2012,

ORDERED that:

1. The Bergen County Prosecutor's motion to quash and/or for a protective order [Docket 10-2349; CM/ECF No. 57] is **GRANTED** in the following way. The December 10, 2010 Consent Order entered by the Undersigned in all of these consolidated actions [*e.g.*, Docket 10-2349; CM/ECF No. 81] is amended so that Paragraphs 1-5 now state the following:

Paragraph 1. In the matters of Aiello, et al. v. Chief C. Kenneth Zisa, et al., Borntrager, et al v. Chief C. Kenneth Zisa, et al., Finley, et al. v. Chief C. Kenneth Zisa, et al., Campos, et al. v. Chief C. Kenneth Zisa, et al., and Herrmann, et al. v. Chief C. Kenneth Zisa, et al., no party will seek discovery, including third-party discovery and/or asking questions at depositions, related to any specific criminal charges pending against any Defendants, including, but not limited to, C. Kenneth Zisa ("Zisa") and Danilo Garcia ("Garcia"); and it is further

Paragraph 2. ORDERED that in the above matters, no party will seek discovery, including third-party discovery and/or asking questions at depositions, related to the 2008 insurance fraud and 2004 theft incidents referred to in the Campos and Herrmann Complaints; and it is further

Paragraph 3. ORDERED that the above limitations do not bar any party from seeking discovery regarding these matters after the above-referenced criminal proceedings have been disposed of at the trial level; however, Defendants retain and reserve all rights to object to the

disclosure of any discovery; and it is further

Paragraph 4. ORDERED that in the matter of Ferraioli, et al v. City of Hackensack Police Department, et al., no party will seek discovery, including third-party discovery and/or asking questions at depositions, related to any criminal charges pending against any Defendants, including, but not limited to, C. Kenneth Zisa (“Zisa”) and Danilo Garcia (“Garcia”) or the 2008 insurance fraud and 2004 theft incidents referred to in the Campos and Herrmann Complaints; and it is further

Paragraph 5. ORDERED that the above limitations do not bar any party in the Ferraioli matter from seeking discovery regarding these matters after the above-referenced criminal proceedings have been disposed of at the trial level; however, Defendants retain and reserve all rights to object to the disclosure of any discovery;

2. The remainder of the December 10, 2010 Consent Order shall remain in full force and effect.

SO ORDERED.

s/Mark Falk
MARK FALK
United States Magistrate Judge